

**IN THE UNITED STATES BANKRUPTCY COURT
DISTRICT OF PUERTO RICO**

IN RE: **RAUL OSCAR MARCO LABOY**CASE NO: **17-03174-BKT**

Debtor(s)

Chapter 13**TRUSTEE'S OBJECTION TO PROPOSED PLAN CONFIRMATION UNDER SECTION 1325**

*ATTORNEY FEES AS PER R 2016(b) STATEMENT:

Attorney of Record: **BEATRIZ HERNANDEZ TORO***Total Agreed: **\$2,500.00** Paid Pre-Petition: **\$300.00** Outstanding (Through the Plan): **\$2,200.00**

*TRUSTEE'S POSITION RE CONFIRMATION UNDER U.S.C. §1325

Debtor(s) Income is (are) ☒ Under ☐ Above Median IncomeLiquidation Value: **\$21,648.00**Commitment Period is ☒ 36 months ☐ 60 months §1325(b)(1)(B) General Unsecured Pool: **\$0.00**With respect to the (amended) Plan date: Jun 26, 2017 (Dkt 13) Plan Base: **\$17,264.00**The Trustee: ☐ DOES NOT OBJECT ☒ OBJECTS Plan Confirmation Gen. Uns. Approx. Dist.: 0.1 %

The Trustee objects to confirmation for the following reasons:

[1325(a)(1)] Failure to comply with her/his/their duties.[11 U.S.C.704(a)(4) and 1302(b)(1)]

- Debtor have failed to submit evidence of income made during the 6 month period prior to the filing of the case (November to April) from employments with UBER, HCOA Fitness and TEVA shares solutions advocate.

The Trustee cannot verify adequately Means Test data without evidence of income. Debtor's commitment period cannot be determined at this time. Trustee to verify income (Schedule I and MT) once this evidence is submitted. Debtor's commitment period cannot be determined at this time.

[1325(a)(6)] Insufficiently Funded – Plan funding insufficient to comply with Creditors Best Interest Test. [1325(a)(4)]

The minimum base needed cannot be determined at this time since Debtor will amend Schedule A to include that he has a 50% participation over the property. The case's liquidation value will vary.

[1325(a)(9)] Tax Requirements – Debtor(s) fails to comply with Tax Return filing requirement of [1308].

Debtor has failed to submit evidence of the compliance with the filing of 1040 for 2016.

[1325(b)(1)(B)] Projected Disposable Income – Debtor(s) fails to apply projected disposable income, to be received during applicable commitment period, to make payments to unsecured creditors under the plan. [1322(a)(1)]

- Fails to provide to devote future income tax refunds to fund the plan.

***OTHER COMMENTS / OBJECTIONS**

Debtor will upload local tax return 2015 seen at the 341 Meeting.

NOTICE

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14 day notice: Within fourteen (14) days after service as evidenced by the certification, and an additional three (3) days pursuant to Fed.R.Bank.P. 9006(f) if you were served by mail, any party against whom this paper has been served, or any other party to the action who objects to the relief sought herein, shall serve and file an objection or other appropriate response to this paper with the Clerk's office of the U.S. Bankruptcy Court for the District of Puerto Rico. If no objection or other response is filed within the time allowed herein, the paper will be deemed unopposed and may be granted unless: (i) the requested relief is forbidden by law; (ii) the requested relief is against public policy; or (iii) in the opinion of the Court, the interest of justice requires otherwise.

CERTIFICATE OF SERVICE: The Chapter 13 Trustee herewith certifies that a copy of this motion has been served via first class mail on the same date it is filed to: the DEBTOR(S), and to her/his/their attorney through CM-ECF notification system.

/s/ Jose R. Carrion, Esq.
CHAPTER 13 TRUSTEE
PO Box 9023884, San Juan PR 00902-3884
Tel. (787)977-3535 Fax (787)977-3550

Date: July 06, 2017

/s/ Mayra Arguelles, Esq.

Last Docket Verified: 16 Last Claim Verified: 5 CMC: RC